
By: **Senator Frosh**

Introduced and read first time: January 29, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Statute of Limitations - Prosecutions for Criminal**
3 **Violation of Insurance Law**

4 FOR the purpose of extending the period within which a prosecution of a
5 misdemeanor offense under the Insurance Article of the Annotated Code may be
6 instituted to a certain number of years following the commission of the offense;
7 establishing a certain exception to a limitation on the prosecution of a certain
8 fine or penalty under certain circumstances; and generally relating to
9 limitations on the period of time for instituting prosecutions for certain offenses.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 5-106 and 5-107
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Courts and Judicial Proceedings**

18 5-106.

19 (a) Except as provided by this section, a prosecution for a misdemeanor shall
20 be instituted within 1 year after the offense was committed.

21 (b) Notwithstanding § 9-103(a)(3) of the Correctional Services Article or any
22 other provision of the Code, if a statute provides that a misdemeanor is punishable by
23 imprisonment in the penitentiary or that a person is subject to this subsection:

24 (1) The State may institute a prosecution for the misdemeanor at any
25 time; and

26 (2) For purposes of the Maryland Constitution, the person:

1 (i) Shall be deemed to have committed a misdemeanor whose
2 punishment is confinement in the penitentiary; and

3 (ii) May reserve a point or question for in banc review as provided
4 under Article IV, § 22 of the Maryland Constitution.

5 (c) A prosecution under the vehicle code shall be instituted within 2 years
6 after the offense was committed if the charge is:

7 (1) Unlawfully using a driver's license; or

8 (2) Fraudulently using a false or fictitious name when applying for a
9 driver's license.

10 (d) A prosecution for Sabbath breaking or drunkenness shall be instituted
11 within 30 days after the offense was committed.

12 (e) In Allegany County, a prosecution for selling alcoholic beverages to a
13 person under the legal age for drinking such alcoholic beverages or for selling
14 alcoholic beverages after hours shall be instituted within 30 days after the offense
15 was committed.

16 (f) A prosecution for the commission of or the attempt to commit a
17 misdemeanor constituting: (1) except as provided in subsection (h) of this section, a
18 criminal offense under the State election laws; or (2) a criminal offense under the
19 Maryland Public Ethics Law; or (3) criminal malfeasance, misfeasance, or
20 nonfeasance in office committed by an officer of the State, or of an agency of the State,
21 or of a political subdivision of the State, or of a bicounty or multicounty agency in the
22 State shall be instituted within 2 years after the offense was committed.

23 (g) A prosecution for conspiracy to commit any of the offenses enumerated in
24 subsection (f) of this section shall be instituted within 2 years after the offense was
25 committed.

26 (h) A prosecution to impose a civil fine for an offense arising under § 13-604 of
27 the Election Law Article shall be instituted within 3 years after the offense was
28 committed.

29 (i) A petition by the State Ethics Commission to seek a civil fine under §
30 15-902(b) of the State Government Article may not be initiated unless the complaint
31 is filed by the Commission within 3 years from the time the conduct ended.

32 (j) A prosecution for a welfare offense under §§ 8-501 through 8-504 of the
33 Criminal Law Article shall be instituted within 3 years after the offense was
34 committed.

35 (k) A prosecution for a misdemeanor offense under Title 8, Subtitle 5, Part II
36 of the Criminal Law Article shall be instituted within 3 years after the offense was
37 committed.

1 (l) A prosecution for an offense arising under the Tax - General Article with
2 respect to the sales and use, admissions and amusement, financial institution
3 franchise, income, or motor fuel tax shall be instituted within 3 years after the date
4 on which the offense was committed.

5 (m) A prosecution for the offense of failure to secure workers' compensation
6 insurance in accordance with Title 9, Subtitle 4 of the Labor and Employment Article
7 shall be instituted within 1 year after the State Workers' Compensation Commission
8 finds, by order, that the employer was uninsured or, pursuant to the authority
9 contained in § 9-1003 of the Labor and Employment Article, within 1 year after the
10 Uninsured Employers' Fund makes payment under § 9-1003 of the Labor and
11 Employment Article, as directed by the Commission.

12 (n) A prosecution for an offense of the controlled hazardous substance law
13 under § 7-265(b) of the Environment Article, shall be instituted within 2 years after
14 commission of the offense.

15 (o) Except as provided in subsection (g) of this section, the statute of
16 limitations for the prosecution of the crime of conspiracy is the statute of limitations
17 for the prosecution of the substantive crime that is the subject of the conspiracy.

18 (p) A prosecution for an offense under Title 2, Subtitle 5 or § 2-209 of the
19 Criminal Law Article or § 20-102 of the Transportation Article shall be instituted
20 within 3 years after the offense was committed.

21 (q) A prosecution for an offense of discrimination on the basis of sex in paying
22 wages under §§ 3-301 through 3-308 of the Labor and Employment Article shall be
23 instituted within 3 years after the performance of the act on which the prosecution is
24 based.

25 (r) A prosecution for an offense of unlawfully charging or receiving
26 compensation in connection with an adoption under § 5-327 of the Family Law Article
27 shall be instituted within 3 years after the offense was committed.

28 (s) A prosecution for an offense under § 14-601 of the Health Occupations
29 Article of practicing, attempting to practice, or offering to practice medicine without a
30 license shall be instituted within 3 years after the offense was committed.

31 (t) A prosecution for an offense under the Maryland Charitable Solicitations
32 Act (Title 6 of the Business Regulation Article) shall be instituted within 3 years after
33 the offense was committed.

34 (u) A prosecution for an offense under § 5-140, § 5-141, or § 5-143 of the
35 Public Safety Article, relating to straw sales of regulated firearms to prohibited
36 persons or minors and to illegal sales, rentals, transfers, possession, or receipt of
37 regulated firearms, shall be instituted within 3 years after the offense was
38 committed.

1 (v) A prosecution for a violation of the fish and fisheries provisions of Title 4 of
2 the Natural Resources Article or the wildlife provisions of Title 10 of the Natural
3 Resources Article shall be instituted within 2 years after commission of the offense.

4 (w) A prosecution under § 7-302 of the Criminal Law Article relating to
5 computer crimes shall be instituted within 3 years after the offense was committed.

6 (x) A prosecution for an offense under § 3-605 of the Criminal Law Article
7 relating to abuse or neglect of a vulnerable adult shall be instituted within 2 years
8 after the offense was committed.

9 (y) A prosecution for a misdemeanor offense under Title 9 of the Health
10 Occupations Article shall be instituted within 3 years after the offense was
11 committed.

12 (Z) A PROSECUTION FOR A MISDEMEANOR OFFENSE UNDER THE INSURANCE
13 ARTICLE SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE OFFENSE WAS
14 COMMITTED.

15 5-107.

16 [A] EXCEPT AS PROVIDED IN § 5-106 OF THIS SUBTITLE, A prosecution or suit
17 for a fine, penalty, or forfeiture shall be instituted within one year after the offense
18 was committed.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect October 1, 2004.